

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-CV-878**

DEMOCRACY NORTH CAROLINA; *et al.*,

Plaintiffs,

v.

FRANCIS X. DELUCA, in his official
capacity as CHAIR OF THE STATE
BOARD OF ELECTIONS; *et al.*,

Defendants.

**LEGISLATIVE INTERVENOR-
DEFENDANTS' PRETRIAL
DISCLOSURES**

Legislative Intervenor-Defendants Philip E. Berger, in his official capacity as President *Pro Tempore* of the North Carolina Senate, and Destin C. Hall, in his official capacity as Speaker of the North Carolina House of Representatives (collectively, “Legislative Defendants”), pursuant to Fed. R. Civ. P. 26(a)(3)(A), respectfully submit the following pretrial disclosures for the trial set to begin in the above-captioned matter on August 4, 2025. Legislative Defendants reserve the right to amend and supplement these Pretrial Disclosures, and to respond to Plaintiffs’ and State Board Defendants’ Pretrial Disclosures, as appropriate.

I. WITNESSES LEGISLATIVE DEFENDANTS EXPECT TO OR MAY PRESENT AT TRIAL.

Pursuant to Fed. R. Civ. P. 26(a)(3)(A)(i), Legislative Defendants expect to present the following witnesses at trial:¹

1. Andrew Taylor, Ph.D.
2. Paul F. White, Ph.D.
3. Former Representative Paul Grey Mills, Jr.
4. Senator Warren T. Daniel
5. Paul Cox
N.C. State Board of Elections, General Counsel
c/o Terence Steed
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602
6. Parker Holland²
N.C. State Board of Elections, Elections Administration Manager
c/o Terence Steed
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602

Pursuant to Fed. R. Civ. P. 26(a)(3)(A)(i), Legislative Defendants may call the following witnesses:

1. Cleta Mitchell³
c/o B. Tyler Brooks
Law Offices of B. Tyler Brooks, PLLC

¹ All witnesses may be contacted through counsel for Legislative Defendants unless otherwise noted.

² ^ = The parties continue to confer on whether to call Mr. Holand via deposition designation in lieu of live testimony.

³ * = Legislative Defendants are willing to call this witness via deposition designations in lieu of live testimony in order to streamline trial and preserve resources.

P.O. Box 10767
Greensboro, NC 27404
Ph: (336) 707-8855

2. James K. Womack*
North Carolina Election Integrity Teams
c/o B. Tyler Brooks
Law Offices of B. Tyler Brooks, PLLC
P.O. Box 10767
Greensboro, NC 27404
Ph: (336) 707-8855

3. Daisuke Tim Tsujii*
Forsyth County Board of Elections
c/o Erica Glass
Forsyth County Attorney's Office
201 North Chestnut Street
Winston-Salem, North Carolina 27101
Ph: (336) 703-2030

4. Kay Moore*
Forsyth County Board of Elections
c/o Erica Glass
Forsyth County Attorney's Office
201 North Chestnut Street
Winston-Salem, North Carolina 27101
Ph: (336) 703-2030

II. WITNESSES WHO LEGISLATIVE DEFENDANTS MAY PRESENT BY DEPOSITION.

Pursuant to an agreement amongst the parties, Legislative Defendants do not intend to present any witnesses by deposition designation at this time.⁴ The parties have agreed to reserve deposition designations (including objections and counter-designations) for any witnesses who are unavailable for trial, become unavailable due to unforeseen

⁴ The parties are continuing to discuss the potential presentation of third-party witnesses through deposition designations, including all the Cumberland, Forsyth, and New Hanover County Boards of Election; Cleta Mitchell; and North Carolina Election Integrity Teams (James Womack).

circumstances, or if the parties agree to deposition designations in lieu of live testimony on a schedule to be determined once the trial schedule is finalized. Legislative Defendants intend to continue to meet and confer with all counsel on this issue, and reserve the right to submit deposition testimony in lieu of live testimony for any witness who becomes unavailable consistent with this Court's orders, or by further agreement of the parties.

III. EXHIBITS THAT LEGISLATIVE DEFENDANTS EXPECT TO OR MAY OFFER AT TRIAL.

An Exhibit List is attached to these disclosures as **Exhibit 1** and served in native format separately upon counsel for Plaintiffs and State Board Defendants. Legislative Defendants expect to use all the listed expert materials, and may use the remaining listed materials.

Respectfully submitted, this the 7th day of July, 2025.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Counsel for Legislative Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 7th day of July, 2025, the foregoing was filed and served upon all counsel of record via the Court's CM/ECF system.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Cassie A. Holt
Cassie A. Holt (NCSB # 56505)